IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5524 OF 2006

Shri Sadguru Nijanand Baba
Chaitanya Trust & Anr. .. Petitioners.
Vs.
Shri Hiralal Hanumanbagas
Malu & Ors. .. Respondents.

Mr.Shaikh i/b Mr.Rahul Matkari for the petitioners.
Mr.A.A.Gole for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 22ND AUGUST, 2006

P.C.:

. Leave to transpose petitioner no.1 as the party respondent is allowed. Amendment to be carried out on or before friday i.e. 25.8.2006.

2. Heard learned counsel for the petitioners and the respondents.

3. The petitioner has impugned the order dated 5.7.2006 passed on the application at Exhibit-5 in Civil Appeal No.52 of 2006 by which the Vth Additional District Judge, Pune has disposed of the said application. The operative part of the order dated 5.7.2006, impugned in the present writ petition, reads thus:

> "(i) This application is allowed as follows:

(ii) The operation of the order dated 11/11/2005 passed by Joint Charity Commissioner, Pune with respect to removal of appellant from the post of trustee of the trust namely Shri Sadguru Ninjanand Baba Chaitanya Trust. Alandi Devachi is stayed till decision of this appeal/application.

(iii) However, as per the above order, this appellant shall hand over the charge of the trust, its property its record, etc. to the other trustees.

(iv Appellant is restrained from taking active participation in the affairs of the trust.

(v) Appellant is restrained from obstructing or interfering into the work of looking after the affairs of the trust by other trustees.

(vi) Appellant is entitled to attend the meetings held by the trustees.

(vii) Appellant shall intimate the date of handling over of charge to the other trustees and do accordingly on that date.

(viii) Appellant shall intimate about the handling over of charge as mentioned above to this Court on or before 5/8/2006.

(ix) Applications is disposed of accordingly.

3. The petitioner had filed the aforesaid appeal against the order passed by the Joint Charity Commissioner dated 11.11.2005 on the application filed by the respondents under section 41D of the Bombay Public Trust Act. By that order the petitioner has been removed from the post of trusteeship of Sadguru Nijanand Baba Chaitanya Trust, Alandi Devachi, bearing P.T.R. No.1305, Pune. I heard Mr.Shaikh, learned

counsel for the petitioner. Perused the impugned judgment and other material placed before me. At the outset I find no reason or ground to interfere with the order impugned in the present writ petition. As a matter of fact, by this order, the stay as prayed for has been granted on the conditions mentioned in paragraph (iii), (iv) and (v). Such conditions were found to be necessary and I also feel them to be necessary in view of the fact that the petitioner has been removed from the trusteeship for the reasons recorded in the order dated 11.11.2005. The submissions of Mr.Shaikh, learned counsel for the petitioner that the court below ought to have granted stay of the order dated 11.11.2005 without imposing conditions because by putting such conditions the petitioner has been restrained from even performing the Pooja of the deity. I am afraid, this order, in my opinion, does not restrain the petitioner from performing Pooja. Even the learned counsel for the respondent also fairly stated that this order does not restrain the petitioner from performing Pooja. The petitioner has been restrained only from participating in the "affairs" of the trust. Considering the overall facts and circumstances of the case I am not inclined to interfere in the present writ petition filed under Article 227 of the Constitution of India and I am satisfied that the ends of justice would be

met if the directions are given to the appeal Court to decide the appeal within time frame, hence the following order:

. The appeal Court shall decide the appeal as expeditiously as possible and preferrably within a period of three months from the date of receipt of this order. With these observations this petition is disposed of.

(D.B.Bhosale, J.)